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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,745	08/25/2006	Holger Hansen	AFG 16920-WO-US	1192
30/996 7590 01/13/2010 ROBERT W. BECKER & ASSOCIATES 707 HIGHWAY 333 SUITE B TIJERAS, NM 87059-7507				
EXAMINER BONZELL, PHILIP J				
ART UNIT		PAPER NUMBER		
3644				
MAIL DATE		DELIVERY MODE		
01/13/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/590,745

**Applicant(s)**

HANSEN, HOLGER

**Examiner**

PHILIP J. BONZELL

**Art Unit**

3644

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 25-45.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Tien Dinh/  
Primary Examiner, AU 3644

/PHILIP J BONZELL/  
Examiner, Art Unit 3644

## Continuation Sheet:

With respect to the first argument in the third paragraph on page 8 that the amended Fig/ 3 teaches the "back-to-back" arrangement as described in the application, the Examiner agrees and has entered the replacement drawing.

With respect to the second argument in the first paragraph on page 9 that the amended claim 25 clears up the 112 rejection, the Examiner respectfully disagrees. It is still unclear exactly what the "pattern of the seats" is as the claim language states that the mesh frameworks are suspended within a positioning pattern of seats that are to be installed. How can the seat be in a pattern if not installed as stated in the third paragraph of claim 25? As such the amendment is not being entered.

With respect to the third argument in the last paragraph on page 9 that the 112 rejection for claim 35 should be withdrawn due to the clarity added by the amendment, the Examiner respectfully disagrees. Claim 35 was rejected with a 112 because it was not clear if the seat pan was part of the seat or separate from it. The amendment does not clarify this. How the seat pan is secured is not in question, only if the seat pan is part of the seat.

With respect to the fourth argument on page 11 that Reilly '143 discloses that the seats are suspended along the sidewall and not in the center of the aircraft, the Examiner respectfully disagrees. Figure 4 of Reilly '143 clearly discloses that the seats are positioned away from the wall and therefore in a central row of the transport compartment as stated by the claim. The fact that there are overhead supports (11) and support/frames (14 and 15) has no relevance as all claimed subject matter is disclosed in the Reilly '143 reference.

With respect to the fifth argument on page 12 that the holding straps 21, 22, 47, and 57 of Reilly '143 do not correspond to the hold straps claimed, the Examiner respectfully disagrees. Reilly '143 clearly discloses all claim limitations of the Applicants claims. The fact that the straps are not completely transverse or vertical is not an issue as all that is claimed is that they are transverse and vertical and Reilly '143 clearly discloses straps that are transverse and vertical. That Reilly '143 discloses fixed supports is not an issue as it discloses the claimed mesh frameworks as claimed, nowhere does it state in the claim that there are no fixed supports used. The straps (21, 22, 47, and 57) are not components of the seat (37) they are just connected to it as stated in column 2, 56-57 of Reilly '143.

With respect to the sixth argument in the last paragraph on page 12 that Reilly does not disclose tension belts, Hansen '080 is used to teach tension belts in a mesh framework.